

Fountain Hills Subdivision Ordinance

ARTICLE 1

TITLE, PURPOSE AND DEFINITIONS

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Section 1.00 Short Title

This title shall be known as the "*The Subdivision Ordinance of the Town of Fountain Hills*".

Section 1.01 Purpose and Intent

- A. The purpose of this Ordinance is to provide for the orderly growth and harmonious development of Fountain Hills; to insure adequate vehicular and pedestrian traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, protection against flood, storm water detention, sanitary sewerage and other health and safety requirements; to insure consideration for adequate sites for schools, recreation areas, and other public facilities; to promote the conveyance of land by accurate legal description; and to provide practical procedures for the achievement of this purpose.
- B. In the interpretation and application of this ordinance, it is intended that a common ground of understanding and a sound and equitable working relationship exist between the public and private interests and to this end, the independent and mutual objectives of the public and private interests can be achieved in the subdivision of land.

Section 1.02 Adoption of Exhibits

All exhibits within these regulations are hereby adopted and will be incorporated herein as a part of these regulations.

Section 1.03 Definitions

Abutting: The condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only at a corner or corners.

Acre: An area of land containing 43,560 square feet.

Adjacent: Nearby, not distant or having a common endpoint or border.

Adjoining: Touching or bounding at a point or line.

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Amendment: In reference to this ordinance, a change in the wording or substance of this ordinance.

Area Specific Plan: A plan, which further refines all of the elements of *The Fountain Hills General Plan* in a specific area. When approved, this plan amends the General Plan, and is adopted and amended in the same manner as *The Fountain Hills General Plan*.

Area of Jurisdiction: The Town of Fountain Hills as it exists now and as it is lawfully changed; plus any area allowed by *Arizona Revised Statutes* outside of the corporate limits which permits review by the Town of Fountain Hills.

Attorney, Town: The person appointed by the Town Council to be the legal counsel for the Town.

Basin, Detention: A storm water storage facility, which temporarily stores surface runoff and releases it at a controlled rate through a positive outlet. A detention basin and park may be joined to serve both recreational needs and as a water storage facility.

Basin, Drainage: A geographical area, which contributes surface runoff to a particular concentration point. The terms "drainage basin", "tributary area" and "watershed" are used interchangeably.

Basin, Retention: A storm water storage facility, which stores surface runoff. Stored water is infiltrated into the subsurface or released to the downstream drainage system or watercourse (via gravity outlet or pump), or evaporated after the storm event. A retention basin and park may be joined to serve both recreational needs and as a water storage facility.

Berm: An earthen mound, either natural or man-made.

Bicycle Lane: A paved area located within a street right-of-way and between the curbs, which is designated for bicycle or other non-motorized traffic.

Bicycle Trail: A paved or improved surfaced trail, located outside of a street right-of-way, utilized for bicycle, pedestrian or other non-motorized traffic. Public utility maintenance vehicles may be permitted use if joint access is allowed.

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Bicycle Way: A paved area located within a street right-of-way but not between curbs, which is designated for bicycle or other non-motorized traffic.

Block: A piece or parcel of land or group of lots entirely surrounded by public streets, streams, washes, parks, or a combination thereof.

Buildable: A lot or parcel that has the physical size, shape, slope or other attribute in order for a permitted use, based on the lot or parcel's zoning district, to be developed, without the need for any variance from any Town Ordinance.

Building: Any structure used for the support, shelter, housing or enclosure of persons, animals, chattels or property of any kind, with the exception of doghouses, playhouses and similar structures.

Channel: The bed and banks of a man made stream, which conveys the constant or intermittent flow of the stream.

Channelization: The consolidating, combining and/or redirecting by improving the surface of a channel to permit water to move rapidly and/or directly.

Chief Building Official: The person appointed by the Town Manager to be the Chief Building Official. If there is no such person designated by the Town Manager, the Town Manager is the Chief Building Official.

Clearing: The removal and disposal of all obstructions such as fences, walls, foundations, buildings and existing structures, and accumulations of rubbish of whatever nature. Also, the substantial removal of trees, shrubs, cacti, and other indigenous vegetation, but not including grass and weeds considered to be a potential fire hazard.

Cluster Development: A development pattern in which uses are grouped through a density transfer rather than spread evenly throughout a parcel as in conventional lot-by-lot development.

Commission: The Town of Fountain Hills Planning and Zoning Commission.

Community Development Director: The person appointed by the Town Manager to be the Community Development Director. If there is no such person designated by the Town Manager, the Town Manager is the Community Development Director.

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Concept Plan: See Sketch Plan. Used in support of an application for a Planned Unit Development.

Conditional Approval: An affirmative action by the Commission or the Council indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

Condominium: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Condominium Conversion Subdivision: A subdivision of air space in which the structural elements of the proposed condominium exist or are in the process of being built pursuant to a valid permit issued by the Town.

Contiguous: In actual contact.

Conventional Development: Development other than a planned unit development.

County: Maricopa County, Arizona.

Cut: Earthen material removed from a location, which lowers the grade at that location.

Cutting: The removal of earthen material, resulting in a lowering of the grade at the location.

Cut, Retained: The retention of cut slope through the use of a retaining wall. The use of rip-rap, vegetation or other material to treat a cut slope does not constitute retained cut.

Cut, Unretained: All of the face of an unretained cut slope resulting from a development, from the toe to the top of the cut.

Density: The average number of families, persons or housing units per unit of land; usually density is expressed "per acre." Thus, the density of a development of 300 units occupying 40 acres is 7.5 units per acre. The control of density is one of the basic purposes of zoning.

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Density, Control of: A limitation on the occupancy of land. Density can be controlled through zoning by one method or a combination of following methods: use regulations, e.g., single- or multi-family dwellings; minimum lot-size requirements; floor area ratio; land use intensity zoning; setback and yard requirements; minimum house size requirements; establishing ratio between the number and types of housing units and land area; direct limitations on units per acre; requirements for lot area per dwelling unit; and other means. The major distinction between different residential districts often is their allowable density.

Density Transfer: Permitting unused allowable densities in one area to be used in another area. Where density transfer is permitted, the average density over an area would remain constant, but allow internal variations. Within a single development, the result would normally be a clustering of buildings on smaller lots while retaining some land in open space. The density transfer device has expanded in recent years in its application to transfer of development rights.

Density Zoning: A device for averaging residential density over an entire parcel and placing no restrictions on lot sizes or on dwelling types. Under this approach, any type of dwelling is permitted, from detached houses to apartments, anywhere on the site, so long as total density does not exceed the maximum permitted. The only development standards imposed are for distances between buildings, distance between facing windows, amount of parking, and minimum open space. Conventional setback and lot-size requirements are dropped. It is a somewhat further extension of cluster development provisions common in planned unit development ordinances.

Department: The Community Development Department of the Town of Fountain Hills.

Design: Street alignment, grades and widths, alignment and widths of easements and rights-of-way for drainage and sanitary sewers and the arrangement and orientation of lots.

Design Storm: The rainfall event of specific frequency and duration, which produces the design flow.

Development Regulation: Zoning, subdivision, site plan, official zoning districts map or flood plain regulation, or other governmental regulation of the use and development of land.

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Disturbance: Clearing, grubbing, excavation, filling and/or the destruction of any natural flora or fauna.

Drainage, Off-Site: The storm surface waters emanating from lands outside the limits of the proposed subdivision and drainage through the site of the proposed subdivision.

Drainage, Direct On-Site Runoff: That portion of the rainfall which falls within the entire limits of the proposed subdivision and which flows across the land or enters streams promptly after the rainfall.

Drainage way: A route or watercourse along which storm runoff moves, or may move, to drain a catchments area.

Dwelling Unit: A building or portion thereof having restricted access to one kitchen or area convertible to kitchen activities, built in accordance to the building code adopted in the Town or, if built prior to incorporation, adopted by Maricopa County, designed exclusively for residential purposes, including single-family and multiple-family dwellings; but not including hotels, motels, boarding and lodging houses, fraternity and sorority houses, rest homes and nursing homes, or child care nurseries.

Easement: A specified area on a lot or parcel of land reserved or used for the location of and/or access to, utilities, drainage or other physical access purposes, or for preservation of undisturbed terrain for the benefit of the general public.

Easement, Drainage: An easement for the installation of drainage facilities, drainage structures, and/or for the conveyance of drainage from other properties. Such drainage need not be storm drainage.

Easement, Effluent Line: An easement for the installation and maintenance of underground effluent lines, including any above-ground pumping facilities, but not including effluent evaporation fields or lakes.

Easement, Hillside Protection: An easement for the preservation of hillside areas within a subdivision. See Section 504, subsection I.

Easement, No Building: An easement, which prohibits the building of any structure, whether above or below ground.

Easement, Non-Vehicular Access: An easement prohibiting vehicular access from a street, or between inappropriate uses (i.e., zoning district boundaries).

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Easement, Private Access: A grant to an adjacent lot for ingress and egress for the purpose of repair, maintenance, drainage and improvement of any of the abutting lot owner's property which is contiguous to the easement area. No structure and/or other permanent improvement of any nature shall be placed, maintained or permitted to remain on or within the easement area.

Easement, Public Utility and Facilities: An easement for the installation of facilities, underground or overhead, furnished for the use of the public; including electricity, gas, communication, water, storm drainage, sewage, effluent lines, sidewalks, landscaping, traffic signals, street lights, flood control, etc. owned and operated by any person, firm, corporation, municipal department, board, duly authorized by State or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards.

Engineer, Town: The person appointed by the Town Manager to be the Town Engineer. If there is no such person designated by the Town Manager, the Town Manager is the Town Engineer.

Environmentally-Sensitive Areas: Areas within which Natural Features are located, including those areas that are significantly more sensitive to development compared to the remainder of a development site, as designated by *The Fountain Hills General Plan*, due to an area's relative elevation, scenic vistas, topography, drainage patterns, soil stability, vegetation, wildlife habitat, proximity to other development or infrastructure and prior land disturbance compared to the rest of the development site.

Excavation: The removal of earthen material, resulting in a lowering of the grade at the location.

Exception: Any parcel of land, which is within the boundaries of the subdivision, which is not owned by the subdivider.

Exhibit: Any graphic representation noted as an "Exhibit" within this Ordinance, that is used to illustrate and exemplify certain standards and regulations contained within the language of this Ordinance. If an exhibit and text of the Ordinance conflict, the written text of the Ordinance shall control.

FEMA: The Federal Emergency Management Agency.

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Fence: Any device built to enclose a parcel of land, to separate two parcels of land, or to separate a parcel of land into different use areas.

Fill: Earthen material deposited at a location, which raises the grade at that location.

Filling: The dumping or depositing of earthen material resulting in the raising of the grade at that location.

Fill, Retained: The retention of fill through the use of a retaining wall. The use of riprap, vegetation or other material to treat a fill slope does not constitute retained fill.

Fill, Unretained: All of the face of an unretained fill slope resulting from a development, from the toe to the top of the fill.

Fine Specimens: Healthy, mature, indigenous vegetation.

Fire Marshall: The person appointed by the Town Manager to be the Fire Marshall. If there is no such person designated by the Town Manager, the Town Manager is the Fire Marshall.

Flood Fringe: A regulatory district within the floodplain but outside the floodway.

Flood Peak: The largest value of the runoff flow, which occurs during a flood event, as observed at a particular point in the drainage basin.

Floodplain: A flood-prone area as identified on FEMA flood insurance rate maps generally containing a floodway fringe district or areas of land adjoining or near the channel of a watercourse which have been, or may be, covered by floodwaters. The floodplain functions as a temporary channel or reservoir for overbank flows.

Floodway: *A specific regulatory district within the floodplain as identified on FEMA flood hazard boundary maps; or the channel of a river or other watercourse and the adjacent land area necessary to discharge the 100-year flood without cumulatively increasing the water surface by more than one foot and without creating hazardous velocities of floodwaters. Normally used only when developing long reaches of floodplain mapping.*

Flood, Regulatory: The one hundred year flood as determined by criteria established by the National Flood Insurance Program.

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Flood, Ten Year: A flood that has a ten percent chance of occurring annually, based upon the criteria established by the Town Engineering Department.

Flood, 100 Year: A flood that has a one percent chance of occurring annually, based upon the criteria established by the National Flood Insurance Program.

General Plan: A comprehensive plan adopted by the Town Council and is titled "Fountain Hills General Plan".

Grade: The elevation of the land.

Grade, Finished: Final elevation of the ground surface conforming to the approved grading plans.

Grade, Natural: Elevation of the natural or undisturbed ground surface prior to any grading operation. If "natural grade" can no longer be determined, then the grade elevation existing on September 20, 1991, as shown on the Town's topographical maps of that date, shall be used in lieu thereof. If a parcel of land is not shown on the September 20, 1991 topographical maps, "natural grade" shall be as shown on a topographical map that has been both prepared after September 20, 1991 and that is acceptable to the Town Engineer.

Grading: The process of changing gradients of land by contouring, smoothing or otherwise shaping land areas, by excavating, filling, or combination thereof.

Grubbing: The elimination of roots from the ground by digging or pulling. The approved salvaging of individual plant species for revegetation purposes as described in Section 606 (C) of this Ordinance shall not be considered "grubbing".

Gunite: Concrete or mortar conveyed through a hose and pneumatically projected at a high velocity onto a surface.

Impervious Cover: Concrete or other pavement over an area of land that prevents water from percolating into the ground.

Improvement: Required installations, pursuant to this Ordinance, including grading, sewer and water utilities, streets, easements, and traffic control devices as a condition to the approval and acceptance of the final plat thereof.

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Improvement Plans: A set of plans setting forth the profiles, cross sections, details, specifications, and instructions and procedures to be followed in the construction of certain public improvements in the Town of Fountain Hills that are prepared by an Arizona-registered land surveyor, engineer, architect or landscape architect in accordance with the approved preliminary plat and in compliance with standards of design and construction that are to be approved by the Town Engineer, other Town Departments, the Maricopa County Department of Environmental Services, and all applicable Special Districts and utilities.

Irrigation Facilities: Includes canals, laterals, ditches, conduits, pipes, gates, pumps, and allied equipment necessary for the supply, delivery, and drainage of irrigation water and the construction, operation, and maintenance of such.

Land Cover Polygon: A specific area of land whose boundaries are created for analytical purposes only, thereby facilitating the study of the physical, social, demographic, economic and/or other characteristics of the area.

Land Split: The division of improved or unimproved land whose area is two and one-half acres or less into two or three tracts or parcels of land for the purpose of sale or lease.

Landscaping: An area which has been improved through the harmonious combination and introduction of trees, shrubs, and ground cover, and which may contain natural topping material such as boulders, rock, stone, granite or other approved material. The area shall be void of any asphaltic or concrete pavement except for pedestrian walkways.

- A.** "Fully-abutting" areas are those landscaped or revegetated areas, such as a disturbed area that is proposed to look as if no disturbance activity has occurred, where natural undisturbed areas abut one or both sides of a revegetated area.
- B.** "Partially-abutting" areas are those landscaped or revegetated areas, such as a disturbed area that is proposed to look as if no disturbance activity has occurred, where natural undisturbed areas abut one side of a revegetated area.
- C.** "Non-abutting" areas are those landscaped or revegetated areas that are not intended to fully resemble the preexisting natural undisturbed landscaping of the site.

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Landscaping, Parkway: Landscaping located in the public right-of-way between the street paving and the right-of-way line.

Lot: A single piece of property located in a recorded subdivision, having frontage on publicly dedicated and accepted street or an approved private road, which is described and denoted as such.

Lot Area: The total horizontal area within the lot lines of a lot.

Lot Area, Usable: That portion of a lot usable for or adaptable to the normal uses made of residential property, excluding any areas which may be covered by water, excessively steep, or included in certain types of easements.

Lot, Corner: A lot, which has an interior angle of 135 degrees or less at the intersection of two street lines. A lot abutting upon a curved street is considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of 135 degrees or less.

Lot Coverage: That portion of a lot or building site, which is occupied by any building or other covered structure.

Lot Depth: The horizontal length of a straight line connecting the midpoints of the front and rear lot lines.

Lot Frontage: The horizontal length of the front lot line.

Lot, Interior: A lot other than a corner lot.

Lot Line: The line bounding a lot.

Lot Line, Front: In the case of an interior lot, a line separating the lot from the street right-of-way. In the case of a corner lot, the narrower of the two lot lines adjoining a street right-of-way.

Lot Line, Rear: A lot line, which is opposite and most distant from the front lot line. In the case of a lot having five or more sides, the rear lot line shall be any lot line, other than the front lot line, which intersects a side or a street side lot line at an angle less than 135 degrees.

Lot Line, Street Side: That lot line or lines on a corner lot adjoining a street right-of-way that connects the front lot line to a rear lot line.

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Lot Line, Side: Those lot lines other than a street side lot line that connects the front and rear lot lines.

Lot, Through: A lot, which has street right-of-way frontage on two non-adjointing sides.

Lot Width: For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve of a street, the distance between side lot lines measured thirty feet behind the required minimum front yard line on a line parallel to the street or street chord.

MAG: Maricopa Association of Governments; voluntary association of local governments formed to address variety of issues in Maricopa County, including air quality, transportation and development standards, among others.

Manager, Town: The person appointed by the Town Council to be the Town Manager.

Mobile Home Subdivision: A subdivision designed for residential use where the residences are mobile homes and structures conforming to the adopted building codes of the Town.

Native Vegetation: Indigenous plant materials of the Sonoran Desert.

Natural: The condition of the land, vegetation, rocks, and other surface features which have not been physically disturbed, changed or added to by any action of man or machine.

Natural Features: Include washes; significant vegetation, significant rock outcroppings and slopes greater than thirty percent, provided these features are in their undisturbed natural state.

Open Space: Any parcel or area of land or water unimproved or improved and set aside, dedicated, designated, or reserved for the public or private use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Open Space, Common: Open space usable by all people within a certain development and such area is owned in common by all property owners in that development.

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Open Space, Public: An open space area conveyed or otherwise dedicated to a municipality, municipal agency, school district, State or County agency, or other public body for recreational or conservational uses.

Open Space, Usable: Land which can be actively enjoyed by people. This could include playgrounds, landscaped plazas, grass and trees, fountains, sitting areas, etc., and is meant to provide an open, park-like atmosphere. Usable open space does not include parking areas, vacant or undeveloped lots, areas within Hillside Protection Easements, or any space, which is not primarily used for activities enjoyed by people.

Owner: The person, persons or other entity holding title by deed to land, or holding title as vendees under land contract, or holding any other title of record.

Park: A public or private parcel of land developed and used for passive or active recreation.

Pedestrian Trail: An unpaved, improved surfaced trail (utilizing decomposed granite or graded earth), located outside of a street right-of-way, used for pedestrian or other non-motorized traffic. Public utility maintenance vehicles may be permitted use if joint access is allowed.

Planned Unit Development: A development of five or more acres, in which flexibility can be permitted in lot size, lot width, lot coverage, and setbacks, in order to encourage more creative and imaginary design, thereby preserving natural features, protecting environmentally-sensitive areas and/or providing usable open spaces within the development.

Planning and Zoning Commission: The Town of Fountain Hills Planning and Zoning Commission.

Plant Salvaging: The harvesting of individual plant specimens for revegetation purposes.

Plat: A map of a subdivision.

Plat, Preliminary: A preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with Article II of these Regulations.

Plat, Final: A final map of all of a subdivision providing substantial conformance to an approved preliminary plat, prepared by an Arizona registered land surveyor in accordance with Article II of these Regulations.

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Plat, Recorded: A Final Plat bearing all of the required certificates and signatures of approval and duly recorded in the Maricopa County Recorder's Office in accordance with Article II of these Regulations.

Pre-Application Conference: An initial meeting between subdivider's and municipal representatives, which affords subdivider's the opportunity to present their proposals informally.

Public Improvement Standards: A set of regulations setting forth the details, specifications, and instructions and procedures to be followed in the planning, design, and construction of certain public improvements in the Town of Fountain Hills, formulated by the Town Engineer, other Town Departments, the Maricopa County Department of Environmental Services, and all applicable Special Districts and utilities.

Public Meeting: A meeting held in conformance to the Arizona Open Meeting Law as contained in A.R.S. 38-431 et. Seq.

Public Utility: Private or public facilities for distribution to the public of various utility services, such as water, electricity, sewer, gas, telephone and cable television services.

PUD: Planned Unit Development.

Receiving Area: When utilizing density transfers or a Planned Unit Development, the area receiving additional development rights.

Retaining Wall: A wall or terraced combination of walls used to retain earth, but not directly supporting the wall of a building, including stacked rock and imbedded boulder walls.

Revegetation: The replacement of indigenous living plant materials on areas where the natural vegetation has been removed. The areas include disturbed natural areas and man-made cut and fill slopes.

Right-of-Way (ROW): Includes any public or private right-of-way and includes any area required for public use pursuant to any official plan. An area of land dedicated to the public and fee simple title conveyed to the Town for drainage, pedestrian, utility, street lighting, landscaping or roadway purposes.

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Riprap Material: Material that is a loosely composed layer of rocks and stones used to hinder or channel the flow of water, thereby preventing erosion.

Rock Outcroppings, Significant: Any surface rock formation having an area of 500 square feet or larger or any surface rock formation having a height greater than ten feet from the surrounding grade.

Sketch Plan: A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Slope: The vertical difference (in percent) between two points on the ground divided by the length of horizontal distance (in feet) between the same two points, multiplied by 100. (Example: $2'/100 = .02 \times 100 = 2\%$ slope).

Storm Water Detention: Provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Storm Water Retention: Provision for storage of storm water runoff during and after a flood or storm.

Street, Arterial: A general term including major streets, state highways, or county highways providing a system for Town-wide through traffic movement (See Exhibits 9 and 10).

Street, Collector: Provides the traffic movement between the neighborhoods of the Town, to connect arterial streets and local streets (See Exhibits 7 and 8).

Street, Cul-de-Sac: A street or combination of streets, built to hillside local, local or minor collector roadway standards that must utilize the same roadway segment to gain ingress or egress from/to a limited collector, major collector or arterial roadway or to a "through street".

Street, Frontage: A local street parallel and adjacent to an arterial route, which intercepts minor residential streets and controls access to an arterial route.

Street, Half: The one-half width of a street. Half streets are not permitted other than to complete existing half-streets to the street's full width.

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Street, Hillside Local: Provides for direct access to areas in hillside subdivisions, primarily for local traffic movements with connections to collector and/or major streets (See Exhibit 4).

Street, Limited Collector: A street built to Town limited collector roadway standards that: has an 82-foot right-of-way, and; that has a maximum length of 2,000 linear feet, and; which must intersect a major collector or an arterial roadway, and; that can only be developed at the discretion of the Town Council to provide access to a cul-de-sac subdivision (See Exhibits 3 and 6).

Street Line: The boundary line between street right-of-way and abutting property.

Street, Local: Provides for direct access to residential, commercial, industrial or other abutting land; primarily for local traffic movements with connections to collector and/or major streets (See Exhibit 5).

Street, Private: A roadway, built to Town standards, located within its own parcel or tract of land within a Planned Unit Development that provides direct, private access for property owners within a subdivision.

Street, Public: A right-of-way, dedicated to and accepted by the Town of Fountain Hills, for public uses, which provides the principal vehicular and pedestrian access to adjacent properties.

Street, Through: A street or combination of streets built to Town hillside local, local or minor collector roadway standards that have two separate (300 feet minimum separation) and distinct routes of ingress and egress to/from limited collector, major collector or arterial roadways.

Subdivider: A person, firm, corporation, partnership, association, syndicate, trust, or other legal entity that files application and initiates proceedings for the subdivision of land in accordance with the provisions of this Ordinance; except that an individual serving as agent for such legal entity is not a subdivider.

Subdivision:

- A.** Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four or more lots, tracts or parcels of land; or, if a new street is involved, any such property which is divided into two or more lots, tracts or parcels

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of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

B. "Subdivision" does not include the following:

- 1.** The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
- 2.** The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
- 3.** The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil or gas leases.

Swale: A low flat depression to drain off excess water.

Technical Review: The detailed review of proposed preliminary plats for compliance with Town codes, ordinances, engineering development standards, or conditions of approval by the Commission or Town Council. Other utilities and public agencies are invited to review the plat as it relates to their conditions of service or need.

Subdivision Technical Review Committee: The selected group of technically qualified individuals made up of Town staff and other appropriate review agencies responsible to insure compliance with ordinances, codes, regulations, etc. as they relate to the subdivision process.

Town Council: The Mayor and Common Council of the Town of Fountain Hills.

Transmission Line, Overhead: An electrical power line, which is capable of conveying 69,000 or more volts of power.

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U.S.G.S.: United States Geological Survey.

Utility Services: Service to the public of water, sewer, gas, electricity, telephone and cable television. The foregoing shall be deemed to include attendant facilities and appurtenances to the above uses, including, without limitation, stations along pipelines, and substations along electric transmission lines; but not including public utility treatment and generating plants or offices.

Vegetation, Significant: A single tree or cactus having a height greater than 18 feet or three or more trees or cacti, located within a radius of 15 feet, each having a height greater than 15 feet.

Wash: The bed and banks of natural stream, which conveys the constant or intermittent flow of the stream.

Yard: A minimum required open area adjacent to a lot line that shall be free from any structure except as specified in the Town of Fountain Hills Zoning Ordinance.

Yard, Front: A yard, the depth of which is the minimum required horizontal distance between the front lot line and the front-yard setback line, which yard extends across the full width of the lot. For a corner lot, the front yard is the narrower of the two street side frontages.

Yard, Rear: A yard, the depth of which is the minimum required horizontal distance between the rear lot line and the rear-yard setback line, which yard extends across the full width of the lot, not including any portion of a required street side yard.

Yard, Side: Any yard, the width of which is the minimum required horizontal distance between the side lot line and the side-yard setback line, not including any portion of the required front yard or required rear yard.

Yard, Street Side: Any yard, the depth of which is the minimum required horizontal distance between the street side lot line and the street side-yard setback line, not including any portion of the required front yard.

Zone: A district classification established by The Zoning Ordinance for the Town of Fountain Hills which limits or permits various and specific uses.

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Zoning Administrator: The person appointed by the Town Manager to be the Zoning Administrator. If there is no such person designated by the Town Manager, the Town Manager is the Zoning Administrator.

Zoning Clearance: The approval by the Community Development Director of a plan that is in conformance with The Zoning Ordinance for the Town of Fountain Hills.

Zoning District: A zone area in which the same zoning regulations apply throughout the district.

Zoning Ordinance: The Zoning Ordinance for the Town of Fountain Hills.